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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Australia, Austria, Belgium, Canada, Croatia, Czechia, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Tuvalu, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, as well as the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Recalling its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution 72/189 of 19 December 2017,

1. *Takes note* of the report of the Secretary-General submitted pursuant to resolution 72/189[3] and the report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Islamic Republic of Iran[4], submitted pursuant to Council resolution 37/30 of 23 March 2018;

2. *Recalls* the pledges made by the President of the Islamic Republic of Iran with regard to improving the human rights situation in the country;

3. *Welcomes* the amendments made to the Anti-Narcotics Law, passed in October 2017, which eliminated the mandatory imposition of the death penalty for certain drug-related offences and which have so far led to a significant drop in drug-related executions, while noting that many cases still have yet to be reviewed in accordance with those amendments, and encourages those within the judiciary who

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] A/73/299.
[4] A/73/398.

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are responsible for applying the law to continue to convert drug-related death sentences to prison terms;

4. *Notes* the approval by the Parliament of the Islamic Republic of Iran of the Bill for Protection of the Rights of Children and Youth, in July 2018, which, if adopted and implemented, would mark an important step forward in protecting individuals from violence and abuse;

5. *Recalls* the commitments made by the Iranian authorities with regard to improving the situation of women, and notes in this regard the introduction of the Comprehensive Bill on Ensuring the Protection of Women against Violence;

6. *Welcomes* the engagement of the Islamic Republic of Iran with human rights treaty bodies, including through the submission of periodic reports, and notes in particular the engagement of the Government of the Islamic Republic of Iran with the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities and its participation in the universal periodic review;

7. *Also welcomes* the continuing efforts of the Islamic Republic of Iran to host large numbers of Afghan refugees and to grant them access to basic services, in particular access to health care and education for children;

8. *Further welcomes* the ongoing contact with and dialogue between the Islamic Republic of Iran and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, as well as the invitations extended to other special procedures mandate holders;

9. *Welcomes* the expressed readiness of the Iranian High Council for Human Rights and other Iranian officials to engage in bilateral dialogues on human rights;

10. *Expresses serious concern*, notwithstanding the previously noted reduction so far in the number of executions for drug-related crimes, at the alarmingly high frequency of the imposition and carrying-out of the death penalty by the Islamic Republic of Iran, in violation of its international obligations, including the imposition of the death penalty against minors and persons who at the time of their offence were under the age of 18, in violation of the Convention on the Rights of the Child,[5] and executions undertaken against persons on the basis of forced confessions or for crimes that do not qualify as the most serious crimes, including crimes that are overly broad or vaguely defined, in violation of the International Covenant on Civil and Political Rights,[2] expresses concern at the continuing disregard for internationally recognized safeguards, including executions undertaken without notification of the prisoner's family members or legal counsel, and calls upon the Government of the Islamic Republic of Iran to abolish, in law and in practice, public executions, which are contrary to the 2008 directive seeking to end this practice issued by the former head of the judiciary;

11. *Calls upon* the Islamic Republic of Iran to ensure, in law and in practice, that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, which may include sexual violence, and punishments that are grossly disproportionate to the nature of the offence, in conformity with amendments to the Penal Code, the constitutional guarantees of the Islamic Republic of Iran and international obligations;

12. *Urges* the Islamic Republic of Iran to cease the widespread and systematic use of arbitrary detention, including the use of this practice to target dual and foreign nationals, to release those who have been arbitrarily detained and to uphold, in law and in practice, procedural guarantees to ensure fair trial standards, including timely

[5] United Nations, *Treaty Series*, vol. 1577, No. 27531.

access to legal representation of one's choice from the time of arrest through all stages of trial and all appeals, the right not to be subjected to torture, cruel and inhuman or degrading treatment or punishment and consideration of bail and other reasonable terms for release from custody pending trial;

13. *Calls upon* the Islamic Republic of Iran to release persons detained for the exercise of their human rights and fundamental freedoms, including those who have been detained solely for taking part in peaceful protests, to consider rescinding unduly harsh sentences, including those involving the death penalty and long-term internal exile, and to end reprisals against individuals, including for cooperating or attempting to cooperate with the United Nations human rights mechanisms;

14. *Also calls upon* the Islamic Republic of Iran to address the poor conditions of prisons, to end the practice of deliberately denying prisoners access to adequate medical treatment, which creates a consequent risk of death, and to put an end to the continued and sustained house arrest of leading opposition figures from the 2009 presidential elections despite serious concerns about their health, as well as the pressure exerted upon their relatives and dependants, including through arrest, and calls upon the Islamic Republic of Iran to establish credible and independent prison oversight authorities to investigate complaints of abuse;

15. *Further calls upon* the Islamic Republic of Iran, including the judicial and security branches, to create and maintain, in law and in practice, a safe and enabling environment in which an independent, diverse and pluralistic civil society can operate free from hindrance and insecurity, and urges the Islamic Republic of Iran to end widespread and serious restrictions, in law and in practice, on the right to freedom of expression and opinion, including in digital contexts, and the right to freedom of association and peaceful assembly, and to end its harassment, intimidation and persecution of political opponents, human rights defenders, women's and minority rights defenders, labour leaders, students' rights defenders, environmentalists, academics, film-makers, journalists, bloggers, social media users and social media page administrators, media workers, religious leaders, artists, lawyers and their families and persons belonging to recognized and unrecognized religious minorities and their families, wherever it may occur;

16. *Strongly urges* the Islamic Republic of Iran to eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls, including with respect to the right to freedom of movement, the right to enjoyment of the highest attainable standard of physical and mental health, the right to freedom of religion or belief and the right to work, to take measures to ensure protection for women and girls against violence and their equal protection and access to justice, to address the concerning incidence of child, early and forced marriage, as recommended by the Committee on the Rights of the Child, to promote, support and enable women's participation in political and other decision-making processes, and, while recognizing the high enrolment of women in all levels of education in the Islamic Republic of Iran, to lift restrictions on women's equal access to all aspects of education and women's equal participation in the labour market and in all aspects of economic, cultural, social and political life;

17. *Calls upon* the Islamic Republic of Iran to eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to ethnic, linguistic, recognized or unrecognized religious minorities or other minorities, including but not limited to Arabs, including Ahwaz, Azeris, Balochis, Kurds and Turkmen, and their defenders;

18. *Expresses serious concern* about ongoing severe limitations and restrictions on the right to freedom of thought, conscience, religion or belief, restrictions on the establishment of places of worship, attacks against places of

worship and burial and other human rights violations, including but not limited to harassment, intimidation, persecution, arbitrary arrests and detention, denial of access to education and incitement to hatred that leads to violence against persons belonging to recognized and unrecognized religious minorities, including Christians, Gonabadi Dervishes, Jews, Sufi Muslims, Sunni Muslims, Yarsanis, Zoroastrians and members of the Baha'i faith and their defenders in the Islamic Republic of Iran, and calls upon the Government of the Islamic Republic of Iran to release all religious practitioners imprisoned for their membership in or activities on behalf of a recognized or unrecognized minority religious group, including the remaining imprisoned member of the Baha'i leadership, whom the Working Group on Arbitrary Detention of the Human Rights Council has declared to have been arbitrarily detained since 2008;

19. *Calls upon* the Islamic Republic of Iran to eliminate, in law and in practice, all forms of discrimination on the basis of thought, conscience, religion or belief, including economic restrictions, such as the closure or confiscation of businesses and properties, the cancellation of licences and the denial of employment in certain public and private sectors, including government or military positions and elected office, and other human rights violations against persons belonging to recognized and unrecognized religious minorities, and to end impunity for those who commit crimes against persons belonging to recognized and unrecognized religious minorities;

20. *Also calls upon* the Islamic Republic of Iran to launch a comprehensive accountability process in response to all cases of serious human rights violations, including allegations of excessive use of force against peaceful protesters and cases of suspicious deaths in custody, as well as violations involving the Iranian judiciary and security agencies, and calls upon the Government of the Islamic Republic of Iran to end impunity for such violations;

21. *Further calls upon* the Islamic Republic of Iran to implement its obligations under those human rights treaties to which it is already a party, to withdraw any reservations that are imprecise or could be considered incompatible with the object and purpose of the treaty, to consider acting upon the concluding observations concerning the Islamic Republic of Iran adopted by the bodies of the international human rights treaties to which it is a party and to consider ratifying or acceding to the international human rights treaties to which it is not already a party;

22. *Calls upon* the Islamic Republic of Iran to deepen its engagement with international human rights mechanisms by:

(a) Cooperating fully with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, including by accepting the repeated requests made by the Special Rapporteur to visit the country in order to carry out the mandate;

(b) Increasing cooperation with other special mechanisms, including by facilitating long-standing requests for access to the country from thematic special procedures mandate holders, whose access to its territory has been restricted or denied, despite the standing invitation issued by the Islamic Republic of Iran, without imposing undue conditions upon those visits;

(c) Continuing to enhance its cooperation with the treaty bodies, including by submitting overdue reports under the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination[6] and the International Covenant on Economic, Social and Cultural Rights;[2]

(d) Implementing all accepted universal periodic review recommendations from its first cycle, in 2010, and its second cycle, in 2014, with the full and genuine

[6] United Nations, *Treaty Series*, vol. 660, No. 9464.

participation of independent civil society and other stakeholders in the implementation process, and by engaging constructively in its upcoming third cycle in 2019;

(e) Building upon the engagement of the Islamic Republic of Iran with the universal periodic review process by continuing to explore cooperation on human rights and justice reform with the United Nations, including the Office of the United Nations High Commissioner for Human Rights;

(f) Following through on its commitment to establish an independent national human rights institution, made in the context of both its first and its second universal periodic reviews by the Human Rights Council, with due regard for the recommendation of the Committee on Economic, Social and Cultural Rights;

23. *Calls upon* the Islamic Republic of Iran to continue to translate the pledges made by the President of the Islamic Republic of Iran with respect to human rights concerns into concrete action that results in demonstrable improvements as soon as possible and to ensure that its national laws are consistent with its obligations under international human rights law and that they are implemented in accordance with its international obligations;

24. *Also calls upon* the Islamic Republic of Iran to address the substantive concerns highlighted in the reports of the Secretary-General and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, as well as the specific calls to action found in previous resolutions of the General Assembly, and to respect fully its human rights obligations in law and in practice;

25. *Strongly encourages* the relevant thematic special procedures mandate holders to pay particular attention to, with a view to investigating and reporting on, the human rights situation in the Islamic Republic of Iran;

26. *Requests* the Secretary-General to report to the General Assembly at its seventy-fourth session on the progress made in the implementation of the present resolution, including options and recommendations to improve its implementation, and to submit an interim report to the Human Rights Council at its fortieth session;

27. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its seventy-fourth session under the item entitled "Promotion and protection of human rights".